

Effective 5/13/2014

Superseded 5/12/2015

53A-15-1403 Parental right to academic accommodations.

- (1)
 - (a) A student's parent or guardian is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent or guardian. As such, a student's parent or guardian has the right to reasonable academic accommodations from the student's LEA as specified in this section.
 - (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.
 - (c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent or guardian as a user of the public education system.
- (2) An LEA shall reasonably accommodate a parent's or guardian's written request to retain a student on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.
- (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a teacher or request for a change of teacher.
- (4) An LEA shall reasonably accommodate the request of a student's parent or guardian to visit and observe any class the student attends.
- (5)
 - (a) An LEA shall reasonably accommodate a written request of a student's parent or guardian to excuse the student from attendance for a family event or visit to a health care provider, without obtaining a note from the provider.
 - (b) An excused absence provided under Subsection (5)(a) does not diminish expectations for the student's academic performance.
- (6)
 - (a) An LEA shall reasonably accommodate a parent's or guardian's written request to place a student in a specialized class or an advanced course.
 - (b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).
- (7) Consistent with Section 53A-13-108, which requires the State Board of Education to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by:
 - (a) testing out of the course; or
 - (b) demonstrating competency in course standards.
- (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a regularly scheduled parent teacher conference.
- (9)
 - (a) Upon the written request of a student's parent or guardian, an LEA shall excuse the student from taking a test that is administered statewide or the National Assessment of Educational Progress.
 - (b) The State Board of Education shall ensure through board rule that neither an LEA nor its employees are negatively impacted through school grading or employee evaluation due to a student not taking a test pursuant to Subsection (9)(a).
- (10)

- (a) An LEA shall provide for:
 - (i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53A-11-903; and
 - (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline and conduct policy.
- (b) An LEA shall notify a parent or guardian of a student's violation of a school's discipline and conduct policy and allow a parent or guardian to respond to the notice in accordance with Chapter 11, Part 9, School Discipline and Conduct Plans.